

## REMARKS

**Drawings.** The office action objected to the drawings because reference numerals 2 and 39 were indicated in the drawings but not in the written description. After a careful review of the drawings, the applicant was unable to locate reference numerals 2 or 39 in the drawings. Because the drawings are informal, it is possible that the Examiner misinterpreted a particular reference numeral. The applicant respectfully requests a brief telephonic interview to address this issue.

**Section 112 Rejections.** The office action rejected the claim language "greater than about" in claim 6 as being indefinite. The applicant does not concede that the language is indefinite, but has amended the claim to delete the term "about."

**Section 103 Rejections.** Claims 1-6 and 9-13 were rejected as being obvious in view of Coviello (U.S. Patent No. 5,124,903). The applicant respectfully disagrees with the rejection.

With regard to claim 1, Coviello does not disclose two pluralities of candles having different burn times. Instead, Coviello only provides three single candles in a combined display. Coviello says nothing about varying burn time, and nothing about pluralities of differently-sized candles.

shows differently sized candles

The office action contends that it would be obvious to change the size of candles, but claim 1 does not require specific sizes. Rather, it recites different burn times. The different burn times may be accomplished by varying sizes, but may also be accomplished by variations in shape, wax compositions, or other factors. The Applicant appreciates that in some instances it may be obvious to merely adjust the size of a prior art device. In the present case, however, the applicant has done much more by inventing a novel combination of pluralities of candles having



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different expected burn times. This is not merely a varied size, but also a novel and non-obvious combination not found in the prior art.

The office action further contends that claim 1 involves mere duplication, but that is also inaccurate. Claim 1 requires pluralities of candles having different expected burn times to be grouped together. The cited art does not suggest grouping candles of different burn times, either singly or in pluralities. Claim 2, which requires a third plurality of candles with yet another different burn time, is likewise not suggested.

Claim 3 requires the plurality of candles to be packaged together. While Coviello discloses a housing, she does not suggest packaging three pluralities of candles having different burn times in a single container. The office action does not point to any prior art suggesting that the claimed *combination* is obvious. Even if some of the individual aspects of claim limitations are separately known, there is no motivation to combine any of them as claimed.

Claims 4 and 5 recite that the candles are floating and scented. The applicant concedes that she did not invent floating candles or scented candles. Nonetheless, there is nothing in the cited art suggesting the combination of three pluralities of floating or scented candles packaged together, with each of the pluralities having different expected burn times.

Claim 6 recites specific lengths of time for the expected burn times of each of the three pluralities of candles. The office action asserts that each of the burn times would be obvious. Yet nothing in the art of record suggests candles of any particular burn times, let alone the specific burn times as claimed. Even if it would have been obvious to make a single candle having any one of the expected burn times, that does not render the claimed combination obvious: providing three pluralities of candles in a single container, wherein the expected burn times are less than 60 minutes, between 60 and 120 minutes, and greater than 120 minutes.



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The office action further contends that the applicant has not disclosed that the difference solves any stated problem or is for any particular purpose. The applicant respectfully disagrees. The specification describing the claimed burn times specifically describes a problem it overcomes and a particular utility of the claimed burn times. For example, as it explains at page 3, lines 21-30, the claimed "timing is chosen to generally correspond to three phases of a dinner party, providing about an hour of brightest light during an arrival and mingling period, a somewhat dimmer period during dinner, and the dimmest period after dinner." Thus, the single package contains pluralities of candles of these three different burn times. By lighting all of the candles in the package at the start of the dinner party, they burn and dim the room automatically, without requiring any candles to be extinguished manually. This aspect is certainly not taught or even remotely suggested by the prior art.

Claims 9-13 define a method of illuminating a room using candles similar to those described above. For the reasons described above, the prior art does not suggest the claimed method. In particular, the prior art does not suggest lighting several pluralities of candles at the same time, with the pluralities having separate burn times to self-extinguish and dim the room lighting as claimed. In particular, there is no suggestion of using 12 first candles, 6 second candles, and 3 third candles, nor is there any suggestion of providing pluralities of candles having the expected burn times of claim 13.

Claim 7 was rejected in view of the combination of Coviello and Pekala (US Patent No. 6,092,932). The office action asserts that Pekala discloses the claimed package, including a fastener securing a lighting element to the container. Again, the applicant respectfully disagrees. The Pekala package is not specifically intended for candles, and for that reason does not disclose a *lighting* element attached to the container. Rather, Pekala discloses a *writing* element 25 as



being attached to a package drawstring. The lighting element is described in the specification as being, for example, a small thin candle that can be lit first and then used to light the plurality of candles from the container. This is particularly useful when lighting a large number of candles because the preferred lighting element will burn long enough to light all of them while a match likely would not. Still further, the Pekala container is nothing like the container defined by claim 7, which recites a plurality of holes and a fastener extending through the holes to close the container and secure the lighting element. Claim 7 is therefore not taught or suggested by the prior art.

Claim 8 was rejected in view of the combination of Coviello and Shaffer (US Patent No. 5,551,570). The office action states that Shaffer teaches the use of a *lighting element* 51 attached to a container. But reference numeral 51 in Shaffer refers to decorative *design elements* such as stars, as expressly described at column 7, line 11 and shown in Figure 5 of the Shaffer patent. The applicant was not able to find any suggestion of any sort in Shaffer that relates to lighting elements, either attached to a package or otherwise. Accordingly, claim 8 is allowable.

#### CONCLUSION

Applicant respectfully requests reconsideration and allowance of all claims.

Respectfully submitted,

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